UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
2008 JUL 28 AM 11:00
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: VNH DEPUTY

| | |
|---|---|
| UNITED STATES OF AMERICA,<br>Plaintiff,<br>v.<br>Mario SANCHEZ-Perez,<br>Defendant | Magistrate Docket No. '08 MJ 2276<br>COMPLAINT FOR VIOLATION OF:<br>Title 8, U.S.C., Section 1326<br>Deported Alien Found in the United States |

The undersigned complainant, being duly sworn, states:

On or about **July 24, 2008** within the Southern District of California, defendant, **Mario SANCHEZ-Perez,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is [illegible] by reference.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
2008 JUL 28 AM 11:00
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

| | |
|---|---|
| **UNITED STATES OF AMERICA,** Plaintiff, v. **Mario SANCHEZ-Perez,** Defendant | Magistrate Docket No. '08 MJ 2276<br>COMPLAINT FOR VIOLATION OF:<br>Title 8, U.S.C., Section 1326 Deported Alien Found in the United States |

The undersigned complainant, being duly sworn, states:

On or about **July 24, 2008** within the Southern District of California, defendant, **Mario SANCHEZ-Perez,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **28th** DAY OF **JULY,2008**

Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:**
**Mario SANCHEZ-Perez**

## PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On July 24, 2008, Border Patrol Agent A. Briseno, was working assigned linewatch duties in the Imperial Beach area of operations. At approximately 4:20 A.M., dispatch advised via service radio of a seismic intrusion device alerting in an area known as the "Court Yard". This area is located approximately 30 yards north of the U.S./Mexico International Border, and 50 yards east of the San Ysidro, California Port of Entry. This area is commonly used by illegal aliens to further their entry into the United States.

Upon reaching the area, Agent Briseno observed three individuals running northbound. Due to the proximity of the international border fence between the United States and Mexico and the sensor alert, Agent Briseno deemed it necessary to perform an immigration inspection on the individuals. One of the individuals, later identified as the defendant **Mario SANCHEZ-Perez**, admitted to being a citizen and national of Mexico not in possession of any immigration documents which would allow him to enter or remain in the United States legally. At approximately 4:30 A.M., all individuals, including the defendant, were arrested and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **July 3, 2008** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

**Executed on July 26, 2008 at 10:00 am.**

Irene S. Aguirre
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **July 24, 2008**, in violation of Title 8, United States Code, Section 1326.

Leo S. Papas
United States Magistrate Judge

7/26/08 - 1:35 PM
Date/Time